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Human Rights Council
Thirtieth session
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by the Verein Sudwind Entwicklungspolitik, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15319(E)

Please recycle

Drug policy and human rights1 in the I.R. Iran

Iran has a population of over 78 million, 39 million of which are female, and over 70% of this population are 15-65 years old.

There are no accurate statistics on the number of addicts and users in Iran. According to official government statistics, Iran currently has 1.3million dependent people, who use drugs; Head of the State Welfare Organization speaks of about 2.4 million[2] addictives and the chairman of Independent anti-drug committee of the Expediency Council mentions e more than 4 million drug users in the country.[3] It is estimated that 55% of drug users are young people, with a further 9% being female drug users.

According to the Iran Drug Control Headquarters, drug use and addiction is the second highest cause of death in the country after traffic accidents, with at least eight people who die each day due to drug abuse. The majority of those are between 25 and 30 years old.[4]

Types of Drugs

Opium has been the first and most popular drug among users. However, in recent years, use of chemical drugs has been the alternative to replace opium, particularly among the youth. Opium is more expensive than other drugs, and it has an intensive known odor when smoked, which spreads very fast in the neighborhood. However opium is still a popular drug among the elderly and its traditional users specifically in conservative rural areas. Moreover, in the last few years, the price of opium has increased.

Over the last decade, amphetamine-type stimulants, notably methamphetamine or *shishe* (meaning "glass" in Farsi), have rapidly risen to become the second most used group of drug in Iran with about 345,000 addicts.[5,6]

Research carried out by the State Welfare Organisation reveals that over half a million Tehranis between the ages of 15 and 45 have used *shishe* at least once.[7]

According to a Teherani drug dealer, as *shishe* costs more than heroin, it even became a "fashionable"thing to do with a false belief that it makes one less addictive than heroin. The production of *shishe* is localized in Iran. The main substance for making ice *(shishe)* in other countries is methamphetamines, but the producers of this drug in Iran have also made use of other substances such as methcathinone, from which users begin to develop Manganism disease.

There are other drugs used in Iran such as localized crack which its main component is heroin. Iranian crack is totally different with the crack known internationally. The crack produced in Iranian kitchens include also: methamphetamines, codeine, pseudoephedrine and desomorphine and sometimes acetaminophen, and birds' droppings.

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[1] The complete report on "Drug Policy and Human rights" including recommendations URL: http://www.iranhrc.org/?ar=7&s=12&pnr=1

[2] 14 July 2015, URL: http://www.mehrnews.com/news/2858057

[3] 22 March 2015, URL: http://www.isna.ir/fa/news/94040200904/

[4] Reuters, 8 December 2014, URL: http://www.reuters.com/article/2014/12/08/us-iran-drugs-idUSKBN0JM0C220141208, accessed on: 15 July 2015; Iran Wire, News, 5 November 2014, URL: http://en.iranwire.com/features/6113/

[5] UNODC Islamic Republic of Iran, *Drug Prevention, Treatment and HIV/AIDS Situation Analysis*, URL: https://www.unodc.org/islamicrepublicofiran/drug-prevention-treatment-and-hiv-aids.html, accessed on 1 July 2015

[6] Reuters, 8 December 2014, URL: http://www.reuters.com/article/2014/12/08/us-iran-drugs-idUSKBN0JM0C220141208, accessed on 1 July 2015

[7] The Guardian, 13 May 2014, URL: http://www.theguardian.com/world/2014/may/13/breaking-bad-tehran-iran-crystal-meth-methamphetamine, accessed on: 15 July 2015

Although the price of Iranian crack is less than other drugs and it is more accessible, users prefer to use other types of drugs instead, due to crack's highly destructive effect.

Anti narcotics law, death penalty and reform

The death penalty was first introduced for drug trafficking in Iran in 1959. The latest amended law which came into effect in January 2011, introduced the death penalty for 17 offences. The law requires the death penalty on the fourth conviction for drug-related offences in several instances including: planting opium poppies, coca plants or cannabis seeds with the intent to produce drugs; smuggling more than 5 kilograms of opium or cannabis into Iran; buying, possessing, carrying or hiding more than 5 kilograms of opium and the other aforementioned drugs (punishable on third conviction); smuggling into Iran, dealing, producing, distributing and exporting more than 30 grams of heroin, morphine, cocaine or their derivatives.[8] It also provides for a mandatory death sentence for the "heads of the gangs or networks", although there is no definition given of a gang or network.[9]

Based on this law, despite some hope for more openness under the newly elected president Hassan Rouhani in June 2013, the executions againhave increased. In 2014, 753 people were executed (25 women), the highest annual number since the past 10 and possibly25 years.This number also includes the highest number of juvenile executions (at least 14), and despite a slight decrease, Iran, together with Saudi Arabia, remains on the top of the list of countries that implement public executions, with at least 53 cases in 2014. During the past five years, drug-related charges have counted for the majority of executions in Iran with at least 2,052 people who have been executed since 2010 for such charges. In 2014, nearly half of all executions, at least 362, were for drug related crimes.[10]Only 123 of these executions were announced by the official sources.[11] As of 26 June 2015, 651 persons were executed with two third on drug-related charges.[12]

Ayatollah Sadegh Larijani, Javad Larijani's brother and the head of Iran's Judiciary, also addressed the need to change the country's drug laws. During a meeting of judiciary officials on 2 December, he said, "On the issue of drugs and trafficking, it seems necessary that we need a change in the legislation because the ultimate goal of the law should be implementing justice, while in reality, this goal is often not realized".[13]

Iran now openly realizes that by focusing on harsh punishment only, the country's drug problem in general and social ills of drug abuse in particular will not be solved and continue to inhibit development and social welfare. It will be seen whether this rhetoric is followed by political action.

Unfair trial

According to numerous reports. a large number of those sentenced to death were convicted by the Revolutionary Courts behind closed doors, in the absence of fair trial standards, including forced confessions under torture.[14] One example is Mr. Saeed Sedighi who was executed with nine others on drug-trafficking charges, despite calls on 12 October 2012 by three Special Procedures mandate holders to halt the executions. The Government has yet to respond to due process-related queries, including to allegations that Mr. Sedighi was not permitted adequate access to a lawyer or allowed to

[8]Iran Human Rights (2014) *Annual Report on the Death Penalty in Iran*, 18 August 2014, p. 15

[9]Amnesty International (2011) *Addicted to Death, Executions for Drugs Offences in Iran*, 2011, p.15

[10] Iran Human Rights Documentation Centre (2014) *Chart of executions 2014*, URL: http://www.iranhrdc.org/english/publications/human-rights-data/chart-of-executions/1000000425-ihrdc-chart-of-executions-by-the-islamic-republic-of-iran-2014.html, last update 1 July 2015

[11]Iran Human Rights (2014) *Annual Report on the Death Penalty in Iran*, 18 August 2014, pgs. 7, 9, 16

[12] Iran Human Rights Documentation Centre (2015) *Chart of executions 2015*, URL: http://www.iranhrdc.org/english/publications/human-rights-data/chart-of-executions/1000000564-ihrdc-chart-of-executions-by-the-islamic-republic-of-iran-2015.html, last update 26 June 2015

[13]See i.a.: ALMONITOR, 5 December 2014, URL:http://www.al-monitor.com/pulse/originals/2014/12/iran-end-death-penalty-drug-cases.html#; http://www.farsnews.com/newstext.php?nn=13930912000412, accessed on 15 July 2015

[14]See i.a.: Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/67/369, 13 September 2012, para. 56

defend himself during his trial.[15] The judicial system in Iran generally lacks transparency, including access of detainees to a lawyer from the moment of arrest. Article 48 of the revised Code of Criminal Procedures (effective in June 2015) provides defendants the right to request "the presence of a lawyer at the onset of detention". However, a restrictive note to this Article allows for exceptions, e.g. if the accused is detained on suspicion of committing offences, such as organized crime, crimes against national security, theft and drug-related offences, they may be prohibited from accessing a lawyer for up to a week after arrest. It should be noted that most violations of fair trial standards reportedly occur during the investigation phase.[16]

There are also reports of juveniles being executed on drug related offences in the absence of fair trial standards. Jannat Mir, a 15-year-old Afghan boy, was executed for drug-related offences along with five other Afghans for similar offences in the prison of Isfahan, in April 2014. He reportedly had no access to a lawyer or consular services.[17]

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[15]Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/HRC/22/56, 28 February 2013, para. 36; OCHCR, 23 October 2012, URL: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12688&LangID=E, accessed on: 15 July 2015

[16]Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/HRC/28/70, 12 March 2015, para. 18

[17]Iran Human Rights (2014) *Annual Report on the Death Penalty in Iran*, 18 August 2014, p.30; OCHCR, 26 June 2014, URL: http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=14780&LangID=F, accessed on: 15 July 2015

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Human Rights Council
Thirtieth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the International-Lawyers.Org, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

State responsibility for the interference of human rights caused by the adverse effects of climate change

International-Lawyers.Org expresses its appreciation for the efforts, especially of developing countries, to indicate the danger the adverse effects of climate change pose to human rights. This danger is recognized by the overwhelming majority of climate scientists. We, however, deeply regret the failure of the Human Rights Council to take adequate action to encourage States to address the adverse consequences of climate change.

The most basic action that the Council could take is to appoint an UN Special Rapporteur on climate change and human rights. The Council has refused to take this action largely due to of the objections of mainly developed countries. We remind countries that failure to ensure the protection of human rights from the threats posed by climate change, at least by taking that States are obliged to take in the United Nations Framework Convention on Climate Change violates legal obligations to cooperate to ensure human rights. This failure of States to live up to their international legal obligations may invoke their responsibility for the internationally wrongful acts that are contrary to their international human rights law obligations.

The failure of States to take adequate action to ensure the protection of human rights, including the right to development and the right to health, in the new instrument being drafted to implement the United Nation Framework Convention on Climate Change and that will be adopted in Paris at COP21 in December of this year, is inconsistent with the responsibility of States to ensure the protection of human rights for all people.

International-Lawyers.Org urges all States to take adequate action to address the adverse consequences of climate change in a legally binding agreement containing unambiguously legal obligations ensuring (1) the complete elimination of greenhouse gas emissions by developed countries with in a reasonable period of time, (2) the conditionally elimination of greenhouse gas emissions by developing countries in proportion to the financing, capacity-building, and technology access that is provided to them by developed countries, and (3) the establishment of legally binding means of accountability for the implementation of the obligations therein.

We note that developed countries are aware of the harm their failure to eliminate greenhouse gas emissions is causing developing countries; their historical overuse of the atmosphere that has severely prejudiced the development of developing countries; and their failure for decades to provide adequate financing, capacity-building, and access to technology in accordance with their legal obligations in the UNFCCC.

We again urge the Council to create the mandate of an UN Special Rapporteur on climate change and human rights and we call on all of the mandate holders of the Council to expressly indicate to developed States that they have State responsibility for their actions as outlined above.

Finally, we draw attention to or joint written submission to the 29th Regular Session of the Council and past submissions which we have joined to both the Council and the UNFCCC processes that have already indicated the responsibility of States as outlined above.